

THAW WRITES NOTE GLOATING OVER JEROME'S FAILURE TO TRAP HIS WIFE

HARRIMAN ALSO GOT COMPANY'S CASH, SAYS FISH

Deposed President of the Illinois Central declares that the Railroad Manipulator Borrowed Millions of Corporation's Cash While Director.

HARRIMAN TO BE SUED BY U. P. SHAREHOLDERS.

It was reported to-day that Samuel Untermyer had been retained to bring suit against E. H. Harriman and his associates—George Gould, James Stillman and Mortimer Schiff—in the Chicago and Alton syndicate.

Mr. Untermyer's clients are Union Pacific stockholders who will seek to force a reconstitution of at least a part of the profits made in that and similar transactions.

Stuyvesant Fish, who, E. H. Harriman testified yesterday, was deposed as president of the Illinois Central Railroad because he had forwarded funds of the company and put its money on deposit with a small trust concern, to-day made a reply in which he declared that Harriman himself had borrowed millions from the corporation of which he was a director.

"I have little to say," said Mr. Fish, when asked if he wished to reply to Mr. Harriman. "I shall not be drawn into a wrangle with that gentleman. He and I sustained close relations for many years and were jointly interested in many large affairs. All of these transactions, as indeed all transactions in which I have engaged, will bear the closest scrutiny."

"It was at my instance that Mr. Harriman was made a director of the Illinois Central Company and we got along quite well until he became ambitious to make the Illinois Central a part of the Union Pacific system. I did not believe this would be in the interest of the stockholders of the Illinois Central for whom I held a trust, and then and there Mr. Harriman and I parted company."

"He is quite right in saying that I borrowed funds from the Illinois Central, but he should have added that the loan was made at a time when we were most anxious to put out some of the surplus that I hunted from bank to bank to loan our money; that this transaction was made on collateral security which was unquestionably ample and marketable; that several of the other directors borrowed from the company in the same way; and finally that Mr. Harriman himself while a director borrowed from the company in precisely the same manner frequently and in some aggregating several millions of dollars."

"As a matter of business, I did not then regard it as improper, nor do I now. When, in the fall of 1903, I desired to repay the debt, I proposed to negotiate a new loan from Kuhn, Loeb & Co. Mr. Harriman asked me not to do so, and volunteered to lend me the sum himself, and I accepted his offer."

"Respecting the deposits with the Trust Company of the Republic, it should be said that this institution was one of the many New York trust companies with which we carried accounts; that the sums on deposit fluctuated with the general conditions of our very large business, and that there was no 'padding' of accounts by me. The deposit was never in danger. I was a trustee of the Trust Company of the Republic, but never an officer."

"Concerning the acquisition of the Indianapolis Southern Railway, it is only necessary to refer to the records of the Illinois Central Company, which will show that my action was fully and formally approved by the directors."

BOUGHT STOCKS FOR HARRIMAN IN SECRET COMPACT.

Otto H. Kahn, of the firm of Kuhn, Loeb & Co., on the witness stand before the Interstate Commerce Commission to-day revealed the fact that his firm had a secret compact with E. H. Harriman for the purchase of stocks in various

Against the Wishes of His Lawyers He Gives Out Statement in Which He Refers to District-Attorney's Blacklegs.

DR. EVANS ON THE STAND SAYS PRISONER IS SANE

Also Declares: He was Never Insane Except When He Married Evelyn Nesbit and When He Drew His Will—His Wife Again on the Stand.

In the midst of the cross-examination this afternoon of Dr. Britton D. Evans, expert on mental diseases for the defense of Harry Thaw, the prisoner began to write busily. He told the reporters he was preparing a statement.

His lawyers tried to dissuade him from doing it, but he persisted. Finally he gave out the following slip:

"This is the second statement given out by Mr. Thaw since Aug. 10:

"With chances a million to one against her, it is wonderful that Mrs. Thaw's testimony prevailed against the District-Attorney and his blacklegs."

EVANS SAYS THAW IS SANE.

Dr. Evans, who was on the witness stand most of the day, was brought right down to the nub of the case by one question fired at him by District-Attorney Jerome.

"Do you believe the prisoner is sane or insane?" he asked.

"He is not insane and he never was," came the reply.

This answer created a ripple of surprise in the court. It was quite unexpected in its directness, and it appeared to tickle the accused mightily. A satisfied grin overspread his features, and there was a suggestion of the "exaggerated ego" in his eyes.

Dr. Evans was led along by Jerome on the subject of melancholia, systematized delusions and other crazy things. He finally drew from the Doctor the opinion that Thaw was insane on just two occasions—when he married and when he wrote the will which was submitted in court.

All through the day there was a battle of wits between Jerome and Evans, in which the expert, as on the previous occasion he was under fire, more than held his own.

WAS EVELYN AFRAID OF THAW?

The trial produced another surprise to-day, which came in the shape of a battery of questions hurled at Evelyn Thaw by District-Attorney Jerome tending to show that she feared death at Thaw's hands. This was on the occasion of her return from her second trip to Europe.

The District-Attorney called her to the stand soon after court opened. He began to question her with the intent of bringing out that Thaw had made threats to kill her, and that she had sent her brother Howard to purchase a revolver for her self-protection. To all questions along this line she gave a positive "No."

Jerome got his best foot forward in this effort. It looked like a carefully laid plan to use young Howard Nesbit as a witness for the State to corroborate Abe Hummel's prospective denial of Evelyn Nesbit's account of her famous visit to his office in 1903 at Stanford White's behest.

DEFENSE TO CLOSE THIS WEEK.

Mr. Delmas intimated that he hoped to be able to close the case for Thaw this week.

Just before the hour for resuming, the trial Thaw's little wife slipped into the court-room, accompanied by her milliner friend from Boston, Mrs. J. J. Caine. Evelyn Nesbit Thaw took a vacant seat next to Mr. Delmas at her husband's counsel table. Evidently she hoped to be allowed to sit at Thaw's side during the remainder of the trial. Mrs. Caine took a chair alongside Josiah and Edward Thaw in the section reserved for Thaw's alienists and relatives.

Since both women have testified already, the attorneys for the defense believed that there would be no objection from the other side if they heard the rest of the evidence. In fact, District-Attorney Jerome had consented to Mrs. Thaw's presence. But his assistant, Mr. Garvan, didn't like the notion, and so, after Garvan had whispered to Dan O'Reilly, the two women were led out. The young wife pouted her red lips in disappointment as she went back to the gloomy witness-room.

But in a minute or two she came back temporarily. Jerome, it seemed, had questions which he wanted to ask her regarding certain admissions which she had or had not made to her brother Howard. The tenor of Jerome's course instantly set afoot a report that young Howard would after all appear as a witness against his own sister.

SHE TAKES THE STAND AGAIN.

Mr. Jerome arose immediately after the crying of the jury roll and said there was one general matter he had overlooked in examining Mrs. Thaw. There was one point he wanted to clear up in connection with an alleged statement Evelyn made to her brother, Howard Nesbit. Mr. Delmas consented to the recalling of the witness, and she was brought

Hattie Forsythe, Missing Witness in the Thaw Murder Case

(Reproduced from a Postal Card Photograph Taken Last Week at Palm Beach, Fla., and Received Here To-Day.)



from the room to which she had just been driven at the District-Attorney's orders. She looked very pale and frail.

The prosecutor asked the witness if she had seen her brother upon her return from Europe in the fall of 1903. She said she had seen him at the Navarre Hotel.

"Did you then tell your brother," asked Mr. Jerome, "that you had been beaten and cruelly treated by Harry Thaw, who abused you in order to induce you to make statements against Stanford White?"

"I did not," responded Mrs. Thaw, with a snap in her voice that was almost shrill.

"Did you not tell your brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

"I did not," she replied. "I did not tell my brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

"I did not," she replied. "I did not tell my brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

"I did not," she replied. "I did not tell my brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

"I did not," she replied. "I did not tell my brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

"I did not," she replied. "I did not tell my brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

"I did not," she replied. "I did not tell my brother that Mr. Thaw had beaten you and used you cruelly in Paris in order to make you say lying things against Stanford White—in order to make you say White had drugged and wronged you?"

On two occasions since his incarceration in prison I have visited him at the Tombs. The dates were Aug. 11 and Sept. 11. He was very nervous and greatly depressed on both occasions. He told me that the public officials of this county had conspired with White's friends to railroad him to an asylum in order to hide the truth of Stanford White's life."

Thaw's Queer Actions.
Dr. Bingham said that the prisoner would interview newspapers between the bars of his cell to keep out the wind, as he said he was afraid he would get pneumonia and die, and that then the New York papers would criticize the jail management. Thaw was worried about his pulse. Dr. Bingham told the young man that his pulse did vary and was alternately slow and rapid, whereupon Thaw said: "I guess we can account for that as having occurred since the act of Providence."

Jerome objected to this line of testimony, saying that it had nothing to do with the alleged "brain storm" testified to by Dr. Evans as having disturbed Thaw's mind.

"If the evidence convinces me," said the District-Attorney, "that this prisoner is insane, I will frankly say so. I am here as a judicial officer and will do my duty as such if it appears to me that this defendant is insane."

"Then Mr. Jerome asked a question about the mental condition of Mrs. William Thaw at the time Harry Thaw was born. Delmas popped up with a sharp objection, which the Court sustained, with the remark: The District-Attorney may be a judicial officer and see his duty as such, but once a witness is introduced he is bound by the same rules of evidence that govern the other side. Objection sustained."

Will Try to Prove Thaw Insane Now.
Then Jerome said he wanted to make the physician his own witness, when it would not be bound by the rules of cross-examination. He asked Mr. Delmas when he expected to finish the presentation of his defense. The Cal-

ifornia physician said he thought he would get it all in this week. The District-Attorney then told Dr. Bingham that he desired him to remain in New York, or at least to be in New York next Monday, when he wished to use him as a witness for the people.

It was possible from the prosecutor's method of questioning the doctor, that he will make every legal effort to prove that the defendant is insane now. That the defendant is a victim of hereditary insanity, that the disease was in the blood and had never been and could never be eradicated, was the theory assumed by the District-Attorney in cross-examining the Thaw family physician. He was limited, however, to rather vague phases of his hereditary insanity idea. But he will be able to elaborate the theory when he calls the physician as his own witness.

The "Exaggerated Ego."
After making clear his intention to have Harry Thaw declared a lunatic if he possibly can, Mr. Jerome asked: "Was there anything about the conduct of Mr. Thaw that suggested 'exaggerated ego'?" asked the District-Attorney, dwelling sarcastically upon the last two words of the sentence.

"Well, he did seem to hold himself in pretty high esteem," answered the old doctor, with just a suspicion of a grim smile working at the corners of his mouth.

"Did he seem deeply concerned with fear of pneumonia?"
"He seemed to have the notion that the qualities of the prison were deliberating forcing cold air into his cell. He seemed to attach a sinister motive to their actions. He made the remark to me regarding the fear of pneumonia immediately after Dr. McGuire, the prison physician, passed his cell."

"Did you ever communicate to Mr. Harriman any facts regarding the family history of this prisoner which have not been brought out here by the defense?"

Before Dr. Bingham could answer Delmas objected. Without waiting to hear an argument from the District-Attorney, Justice Fitzgerald sustained the objection. The rulings of the Court had been going heavily against Jerome in the examination of Dr. Bingham. He had been overruled four times on important points in less than an hour.

Dr. Evans Again on the Grill.
When Dr. Bingham was excused Dr. Britton D. Evans, superintendent of the Morris Plains Asylum, was recalled to the stand for the third time, to undergo more of Jerome's cross-examination.

Mr. Jerome asked skillfully if Dr. Evans had not graduated from the same institution whence Dr. Wiley, whom Jerome called Evans's colleague, had graduated. Dr. Wiley was the first witness for the defense—the same who suffered so badly at Jerome's hands. Evans said he thought that he and Wiley had been in the same college.

"Did you gather any information on brain diseases from Dr. Wiley's evidence?"

Dr. Evans's face broke into a smile. Delmas objected and was sustained, so that the expert didn't have to answer.

The audience wriggled in gleeful anticipation at the prospect of the crossing of swords. Jerome was known to dislike Evans personally, and Evans long ago proved that he could take care of himself in a skirmish of wits.

A question of whether Evans had ever been connected with the same institution as Dr. Wiley was ruled out.

Evans and Jerome at Play.
Mr. Evans was made to say that, though he had just taken a post-graduate course at Johns Hopkins, he had never taken any examinations. Jerome tried to make it appear that the alienist had lied last week when he testified he had taken a post-graduate course, as he took no examinations. Dr. Evans explained that he had misunderstood the question when it was put to him last week.

"Do you think that you are qualified as an expert?"

"Well," responded the witness softly, "as I have been accepted as an expert in various courts I have been led to believe so."

"Do you consider that you are a master of all branches of your profession, not are there any such masters of any other calling, including law," retorted the alienist, smiling, bowing very low to Mr. Jerome.

As to an Alienist's Notes.
"Do you always make careful notes of a patient's condition and prepare a written medical brief in order that you may have a perfect mental picture of the person before you if called upon to

Jerome tries to prove that Thaw threatened his wife.

SHE POSITIVELY DENIES.

A Conflict of Wits Marks the Day's Examination of Medical Expert.

formis attorney said he thought he would get it all in this week. The District-Attorney then told Dr. Bingham that he desired him to remain in New York, or at least to be in New York next Monday, when he wished to use him as a witness for the people.

It was possible from the prosecutor's method of questioning the doctor, that he will make every legal effort to prove that the defendant is insane now.

That the defendant is a victim of hereditary insanity, that the disease was in the blood and had never been and could never be eradicated, was the theory assumed by the District-Attorney in cross-examining the Thaw family physician. He was limited, however, to rather vague phases of his hereditary insanity idea. But he will be able to elaborate the theory when he calls the physician as his own witness.

The "Exaggerated Ego."

After making clear his intention to have Harry Thaw declared a lunatic if he possibly can, Mr. Jerome asked: "Was there anything about the conduct of Mr. Thaw that suggested 'exaggerated ego'?" asked the District-Attorney, dwelling sarcastically upon the last two words of the sentence.

"Well, he did seem to hold himself in pretty high esteem," answered the old doctor, with just a suspicion of a grim smile working at the corners of his mouth.

"Did he seem deeply concerned with fear of pneumonia?"

"He seemed to have the notion that the qualities of the prison were deliberating forcing cold air into his cell. He seemed to attach a sinister motive to their actions. He made the remark to me regarding the fear of pneumonia immediately after Dr. McGuire, the prison physician, passed his cell."

"Did you ever communicate to Mr. Harriman any facts regarding the family history of this prisoner which have not been brought out here by the defense?"

Before Dr. Bingham could answer Delmas objected. Without waiting to hear an argument from the District-Attorney, Justice Fitzgerald sustained the objection. The rulings of the Court had been going heavily against Jerome in the examination of Dr. Bingham. He had been overruled four times on important points in less than an hour.

Dr. Evans Again on the Grill.

When Dr. Bingham was excused Dr. Britton D. Evans, superintendent of the Morris Plains Asylum, was recalled to the stand for the third time, to undergo more of Jerome's cross-examination.

Mr. Jerome asked skillfully if Dr. Evans had not graduated from the same institution whence Dr. Wiley, whom Jerome called Evans's colleague, had graduated. Dr. Wiley was the first witness for the defense—the same who suffered so badly at Jerome's hands. Evans said he thought that he and Wiley had been in the same college.

"Did you gather any information on brain diseases from Dr. Wiley's evidence?"

Dr. Evans's face broke into a smile. Delmas objected and was sustained, so that the expert didn't have to answer.

The audience wriggled in gleeful anticipation at the prospect of the crossing of swords. Jerome was known to dislike Evans personally, and Evans long ago proved that he could take care of himself in a skirmish of wits.

A question of whether Evans had ever been connected with the same institution as Dr. Wiley was ruled out.

Evans and Jerome at Play.

Mr. Evans was made to say that, though he had just taken a post-graduate course at Johns Hopkins, he had never taken any examinations. Jerome tried to make it appear that the alienist had lied last week when he testified he had taken a post-graduate course, as he took no examinations. Dr. Evans explained that he had misunderstood the question when it was put to him last week.

"Do you think that you are qualified as an expert?"

"Well," responded the witness softly, "as I have been accepted as an expert in various courts I have been led to believe so."

"Do you consider that you are a master of all branches of your profession, not are there any such masters of any other calling, including law," retorted the alienist, smiling, bowing very low to Mr. Jerome.

As to an Alienist's Notes.

"Do you always make careful notes of a patient's condition and prepare a written medical brief in order that you may have a perfect mental picture of the person before you if called upon to

Jerome tries to prove that Thaw threatened his wife.

SHE POSITIVELY DENIES.

A Conflict of Wits Marks the Day's Examination of Medical Expert.

formis attorney said he thought he would get it all in this week. The District-Attorney then told Dr. Bingham that he desired him to remain in New York, or at least to be in New York next Monday, when he wished to use him as a witness for the people.

It was possible from the prosecutor's method of questioning the doctor, that he will make every legal effort to prove that the defendant is insane now.

That the defendant is a victim of hereditary insanity, that the disease was in the blood and had never been and could never be eradicated, was the theory assumed by the District-Attorney in cross-examining the Thaw family physician. He was limited, however, to rather vague phases of his hereditary insanity idea. But he will be able to elaborate the theory when he calls the physician as his own witness.

The "Exaggerated Ego."

After making clear his intention to have Harry Thaw declared a lunatic if he possibly can, Mr. Jerome asked: "Was there anything about the conduct of Mr. Thaw that suggested 'exaggerated ego'?" asked the District-Attorney, dwelling sarcastically upon the last two words of the sentence.

"Well, he did seem to hold himself in pretty high esteem," answered the old doctor, with just a suspicion of a grim smile working at the corners of his mouth.

"Did he seem deeply concerned with fear of pneumonia?"

"He seemed to have the notion that the qualities of the prison were deliberating forcing cold air into his cell. He seemed to attach a sinister motive to their actions. He made the remark to me regarding the fear of pneumonia immediately after Dr. McGuire, the prison physician, passed his cell."

"Did you ever communicate to Mr. Harriman any facts regarding the family history of this prisoner which have not been brought out here by the defense?"

Before Dr. Bingham could answer Delmas objected. Without waiting to hear an argument from the District-Attorney, Justice Fitzgerald sustained the objection. The rulings of the Court had been going heavily against Jerome in the examination of Dr. Bingham. He had been overruled four times on important points in less than an hour.

Dr. Evans Again on the Grill.

When Dr. Bingham was excused Dr. Britton D. Evans, superintendent of the Morris Plains Asylum, was recalled to the stand for the third time, to undergo more of Jerome's cross-examination.

Mr. Jerome asked skillfully if Dr. Evans had not graduated from the same institution whence Dr. Wiley, whom Jerome called Evans's colleague, had graduated. Dr. Wiley was the first witness for the defense—the same who suffered so badly at Jerome's hands. Evans said he thought that he and Wiley had been in the same college.

"Did you gather any information on brain diseases from Dr. Wiley's evidence?"

Dr. Evans's face broke into a smile. Delmas objected and was sustained, so that the expert didn't have to answer.

The audience wriggled in gleeful anticipation at the prospect of the crossing of swords. Jerome was known to dislike Evans personally, and Evans long ago proved that he could take care of himself in a skirmish of wits.

A question of whether Evans had ever been connected with the same institution as Dr. Wiley was ruled out.

Evans and Jerome at Play.

Mr. Evans was made to say that, though he had just taken a post-graduate course at Johns Hopkins, he had never taken any examinations. Jerome tried to make it appear that the alienist had lied last week when he testified he had taken a post-graduate course, as he took no examinations. Dr. Evans explained that he had misunderstood the question when it was put to him last week.

"Do you think that you are qualified as an expert?"

"Well," responded the witness softly, "as I have been accepted as an expert in various courts I have been led to believe so."

"Do you consider that you are a master of all branches of your profession, not are there any such masters of any other calling, including law," retorted the alienist, smiling, bowing very low to Mr. Jerome.

As to an Alienist's Notes.

"Do you always make careful notes of a patient's condition and prepare a written medical brief in order that you may have a perfect mental picture of the person before you if called upon to